Government of Kerala
1974

Reg. No. K. 137.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XIX] Trivandrum, Saturday, 9th February 1974 / 20th Magha 1895 [No. 153

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 1006/LA4A/74. *Dated, Trivandrum, 9th February 197'*

The Kerala General Sales Tax (Amendment) Bill, 1974 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1974.

33/463/MC.

/36623

Fourth Kerala Legislative Assembly
Bill No. 173

THE KERALA GENERAL SALES TAX (AMENDMENT) BILL, 1974

A
BILL

further to amend the Kerala General Sales Tax Act, 1963.

Preamble.—WHEREAS it is expedient further to amend the Kerala General Sales Tax Act, 1963, for the purposes hereinafter appearing;

BE it enacted in the Twenty-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala General Sales Tax (Amendment) Act, 1974.

(2) It shall be deemed to have come into force on the 1st day of December, 1973.

2. *Amendment of section 13.*—In sub-section (1) of section 13 of the Kerala General Sales Tax Act, 1963 (15 of 1963) (hereinafter referred to as the principal Act), for the words "seven thousand five hundred rupees", the words "ten thousand rupees" shall be substituted.

3. *Amendment of section 59.*—Section 59 of the principal Act shall be renumbered as sub-section (1) of that section and, after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) Notwithstanding anything contained in this Act, where goods the sale of which is liable to tax at all points of sale, are included in the First Schedule, the first sale of such goods effected within the State after such inclusion shall be deemed to be the first sale in the State for the purposes of this Act although any sale of such goods has taken place within the State before such inclusion".

4. *Amendment of the First Schedule.*—In the First Schedule to the principal Act,—

(a) in the entry in column (2) against Serial Number 8, the word "batteries" shall be omitted;

(b) after Serial Number 17 and the entries relating thereto, the following shall be inserted, namely:—

"17A. Batteries other than dry cells —do—13";

(c) in the entry in column (2) against Serial Number 26, after the words "All electrical goods", the brackets and words "(other than those specifically mentioned in this Schedule)" shall be inserted;

(d) after Serial Number 27 and the entries relating thereto, the following shall be inserted, namely:—

"28.	Allopathic medicines, that is to say, all medicines for internal or external use for or in the diagnosis, treatment, mitigation or prevention of diseases in human beings or animals, other than medicines exclusively used or prepared for use in accordance with the Homoeopathic or Ayurvedic (including Siddha) or Unani system of medicine.	do.	6
28A.	Dry Cells	do.	7".

5. *Repeal and Saving.*—(1) The Kerala General Sales Tax (Amendment) Ordinance, 1973 (14 of 1973) and the Kerala General Sales Tax (Second Amendment) Ordinance, 1973 (17 of 1973), are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinances shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Under sub-section (1) of section 13 of the Kerala General Sales Tax Act, 1963, every dealer whose total turnover in any year was not less than seven thousand five hundred rupees had to get himself registered as a dealer under the Act. As a measure of relief to small dealers, it was considered necessary to enhance this limit to ten thousand rupees.

2. Under entry 26 in the First Schedule to the Act, all electrical goods were subject to 7 percent single point tax. Under entries 12 and 12A in that Schedule, radios and accessories or spare parts thereof are subject to sales tax at the rate of 15 percent if the cost exceeds Rs. 150 and at the rate of 12 percent if the cost does not exceed Rs. 150. In entry 8 in the said Schedule, batteries were specified as spare parts of motor vehicles, which were subject to tax at the rate of 13 percent. Different assessing officers had differently assessed batteries and dry cells as electrical goods, or as motor

vehicle spare parts, or as radio accessories or spare parts. Difficulties had thus arisen in taxing the sales of batteries and dry cells. To avoid any doubts in the matter, it was decided to incorporate separate entries in the First Schedule specifying the tax on the sales of batteries and dry cells.

3. Medicines were subject to multi-point sales tax at the rate of 3.5 per cent on all sales within the State. It was considered necessary to introduce single point tax at the rate of 6 per cent in the case of allopathic medicines, the tax being leviable at the point of first sale in the State.

4. To give effect to the above proposals, the Kerala General Sales Tax (Amendment) Ordinance, 1973 (14 of 1973), was promulgated by the Governor on the 20th November, 1973.

5. In view of the amendment introducing single point tax on the sales of allopathic medicines, tax on the sales of such medicines can be levied only at one point and therefore, it was considered that tax at the rate of six per cent could not be levied on such medicines which were in stock with the dealers at the commencement of the Ordinance. Section 59 of the Act which provides for deeming certain sales as first sales for the purposes of the Act are not applicable to the sales of such stock and therefore it was considered necessary to make a similar provision for deeming the sales of such stock after the commencement of the Ordinance as first sales. Since such cases may arise in future also, it was proposed to enact a general provision. Accordingly, the Kerala General Sales Tax (Second Amendment) Ordinance, 1973 (17 of 1973) was promulgated by the Governor on the 30th November, 1973.

6. The Bill seeks to replace the above Ordinances by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

Dr. K. G. ADIYODI.

Government of Kerala
1974

Reg. No. K. 107.

KERALA GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. XIX] Trivandrum, Saturday, 9th February 1974 / 20th Magha 1895 [No. 159

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 1007/LA4/74. *Dated, Trivandrum, 9th February 1974.*

The Kerala Agricultural University (Amendment) Bill, 1974 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1974.

33/465/MC

Fourth Kerala Legislative Assembly

Bill No. 174

THE KERALA AGRICULTURAL UNIVERSITY (AMENDMENT) BILL, 1974

A

BILL

further to amend the Kerala Agricultural University Act, 1971.

Preamble.—WHEREAS it is expedient further to amend the Kerala Agricultural University Act, 1971, for the purpose hereinafter appearing;

BE it enacted in the Twenty-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Agricultural University (Amendment) Act, 1974.

(2) It shall be deemed to have come into force on the 27th day of November, 1973.

2. *Amendment of section 61.*—In sub-section (2) of section 61 of the Kerala Agricultural University Act, 1971 (33 of 1971) (hereinafter referred to as the principal Act), for the words "two years", the words "three years" shall be substituted.

3. *Repeal and saving.*—(1) The Kerala Agricultural University (Second Amendment) Ordinance, 1973 (16 of 1973), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Among the first set of authorities of the Kerala Agricultural University the Executive Committee was nominated by the Chancellor on the 27th November, 1971 in exercise of the powers conferred on him by sub-section (1) of section 61 of the Kerala Agricultural University Act, 1971. According to sub-section (2) of section 61 of the Act, a member of any authority nominated under sub-section (1) of that section shall hold office for a period of two years from the date of such nomination or till the members of the corresponding authority are elected or nominated, as the case may be, whichever is earlier.

2. Under clause (1) of sub-section (2) of section 12 of the Act, the power to make statutes regulating the method of election to the Authorities of the University (including the Executive Committee) is vested in the General Council. But, the General Council was not constituted before the 26th November, 1973, the date on which the term of the Executive Committee was due to expire and consequently no such statute has also been made. Therefore, election of members to the Executive Committee could not be made. In the circumstances, it was considered necessary to extend the term of the Executive Committee nominated by the Chancellor under sub-section (1) of section 61.

3. Since the Legislative Assembly was not in session, the required amendment to the Act had to be made by means of an Ordinance. Accordingly, the Kerala Agricultural University (Second Amendment) Ordinance, 1973, was promulgated by the Governor and published as Ordinance No. 16 of 1973 in a Gazette Extraordinary dated the 27th November, 1973. The Bill seeks to replace the Ordinance by an Act of the Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

VAKKOM PURUSHOTHAMAN

Reg. No. K. 107.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XIX] Trivandrum, Saturday, 9th February 1974 / 20th Magha 1895 [No 160

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 1008/LA4A/74. *Dated, Trivandrum, 9th February 1974.*

The Kerala Land Development Corporation Limited (Special powers) Bill, 1974 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. PRASANNAN,

Secretary,

Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1974.

33/467/MC.

THE KERALA LAND DEVELOPMENT CORPORATION LIMITED (SPECIAL POWERS) BILL, 1974

A

BILL

to invest the Kerala Land Development Corporation Limited with certain powers to facilitate the execution of land development schemes in the State of Kerala.

Preamble.—WHEREAS it is expedient to invest the Kerala Land Development Corporation Limited with certain powers to facilitate the execution of land development schemes in the State of Kerala;

BE it enacted in the Twenty-fifth Year of the Republic of India as follows:

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Land Development Corporation Limited (Special Powers) Act, 1974.

(2) It extends to the whole of the State of Kerala.

(3) It shall be deemed to have come into force on the 21st day of November, 1973.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "Corporation" means the Kerala Land Development Corporation Limited, registered under the Companies Act, 1956 (Central Act I of 1956);

(b) "cost of works" includes charges for establishment and supervision;

(c) "Inquiring Officer" means the officer appointed as such by the Corporation;

(d) "owner" means any person for the time being receiving or entitled to receive, whether on his own account, or as agent, trustee, guardian, manager or receiver for another person, rent or profit derivable from land, and includes a tenant, an occupant or mortgagee in possession of land;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "record of rights" means the record of rights and liabilities prepared under section 14;

(g) "scheme" means any land development scheme prepared or to be prepared under this Act;

(h) "work" means any work of public utility constructed, erected or carried out or to be constructed, erected or carried out under any scheme under this Act.

3. *Preparation of land development schemes.*—(1) Whenever the Corporation is of opinion that it is expedient and in the public interest to execute a scheme in any area, it may prepare a draft scheme containing the following particulars, namely:—

(a) the object of the scheme;

(b) the boundaries and approximate area of lands to be included in the scheme;

(c) the persons including the Government, who will be affected by the scheme;

(d) the work to be carried out under the scheme; and

(e) such other particulars as may be prescribed.

(2) On the preparation of a draft scheme under sub-section (1), the Corporation shall appoint an officer called the Inquiring Officer for the purpose hereinafter specified.

4. *Matters for which a scheme may provide.*—A draft scheme prepared under section 3 may provide for all or any of the following matters, namely:—

(a) control and prevention of soil erosion;

(b) preservation and improvement of soil;

(c) reclamation of waste, saline or water logged areas;

(d) improvement in the methods of cultivation and extension of cultivation;

(e) construction of earth and masonry works in fields, gullies and ravines including construction of catch water drains and contour bunding, wherever necessary;

(f) construction of permanent bunds in water logged lands for increasing agricultural production;

(g) control and maintenance of tree growth;

(h) improvement of water supply;

(i) consolidation of the holdings of cultivators in an area for the better use of land;

(j) draining of canals, streams and rivers to prevent bank erosion;

(k) providing pumpsets and platforms for erection of such pumpsets for dewatering process;

(l) providing channels for watering and dewatering purposes; and

(m) such other matters, not inconsistent with the objects of this Act, as may be prescribed.

5. *Publication of scheme and inviting objections.*—(1) Copies of the draft scheme together with the connected maps and plans, if any, shall be made available by the Corporation for inspection by the public, free of charge,—

(a) in every village in which the lands included in the scheme are situate;

(b) at the headquarters of the taluk in which such lands are situate; and

(c) at such other places as the Corporation may direct.

(2) A general notice shall be published in a newspaper which, in the opinion of the Corporation, has the widest circulation in the locality,—

(a) Intimating that the draft scheme has been prepared and that copies thereof have been kept and may be inspected by the public free of charge, at the places referred to in sub-section (1);

(b) requiring all persons affected by the draft scheme who wish to make any objections to it or any part thereof to submit their objections in writing to the Inquiry Officer or to appear before him and state their objections within thirty days of the publication of the notice.

(3) Separate notices to the same effect shall also be served in the prescribed manner on all owners of the lands affected by the scheme.

6. *Report of the Inquiring Officer.*—The Inquiring Officer shall inquire into the objections received or recorded by him and submit them to the Corporation together with his report thereon and his recommendations, if any, for the modification of the draft scheme.

7. *Decision to execute or abandon scheme or reference to Government for sanction.*—(1) After considering the objections and the report and recommendations, if any, submitted by the Inquiring Officer under section 6, the Corporation may either decide to execute the scheme with or without modifications or abandon the scheme:

Provided that the Corporation shall submit the scheme to the Government for their orders, where the owners of more than fifty per cent of the area of the lands included in the scheme, other than Government lands, have made objections to the draft scheme or part thereof.

(2) Where a draft scheme is submitted to the Government under sub-section (1), they may sanction the draft scheme with or without modifications or may reject it or may direct that a fresh scheme be prepared.

8. *Publication of scheme.*—(1) The scheme as decided to be executed by the Corporation or as sanctioned by the Government shall be published at the places referred to in sub-section (1) of section 5.

(2) A general notice specifying the places at which the scheme has been published and intimating the public that the same may be inspected at those places free of charge shall also be published in a newspaper which, in the opinion of the Corporation, has the widest circulation in the locality.

(3) The publication of the scheme under sub-section (1) and the publication of the notice under sub-section (2) shall be conclusive evidence that the scheme has been duly framed.

9. *Power to enforce scheme:*—(1) Upon the publication of a scheme under section 8, it shall be lawful for the Corporation to take up any work which is to be executed under the scheme.

(2) Where the Government are the owner of any land included in the scheme, the Government or the Corporation shall carry out the work on that land.

10. *Liability of certain persons to pay cost or to contribute.* (1) Every owner of land included in the scheme shall pay the cost or part of the cost, as the case may be, of the work which under the scheme is carried out by the Corporation and has benefited his land.

(2) If, in consequence of any work carried out by the Corporation under section 9, any person (including the Government), other than the owners of lands included in the scheme, is, or is likely, in the opinion of the Corporation to be, benefited by such work, such person shall pay to the Corporation, by way of contribution, such amount within such time and in such manner as the Corporation may determine, and such contribution shall be adjusted against the cost of such work payable by the owners of lands included in the scheme in accordance with such principles as may be prescribed:

Provided that before any person is required to pay any such contribution, he shall be given a reasonable opportunity of making his representation, if any, in regard to the matter.

(3) If default is made by any person in the payment of the cost or part of the cost, as the case may be, payable by him under sub-section (1) within the period specified in the statement prepared under section 13 or of any contribution under sub-section (2) within the time determined in that behalf under that sub-section, the Corporation shall recover the amount from that person.

11. *Liability to pay interest.*—Every person liable to pay the cost or part of the cost of any work under sub-section (1) of section 10 or to pay any contribution under sub-section (2) of that section or to pay expenses under sub-section (2) of section 15 shall be liable to pay interest on such cost, part of

the cost, contribution or expenses, as the case may be, at such rate and with effect from such date as may be prescribed.

12. *Right of entry.*—Any director or officer or servant of the Corporation may enter upon survey and mark out any land and do all such other acts as may be necessary for the purpose of preparing, inquiring into or executing any scheme or for the purpose of inspecting any work.

13. *Declaration of completion of work.*—As soon as may be after the execution of the works under a scheme, the Corporation shall, by notification in the Gazette, publish a declaration to that effect and such declaration shall be conclusive evidence that the execution of the works has been completed.

14. *Record of rights and liabilities.*—(1) The Corporation shall, as soon as may be after the publication of the declaration under section 13, prepare a statement setting out—

(a) the names of the owners of the lands included in the scheme;

(b) a map and plan showing the situation, nature and dimensions of the works under the scheme;

(c) the cost of such works;

(d) the total amount to be recovered from the owners, including interest;

(e) the rate per hectare per annum at which such amount is to be recovered from the owners;

(f) the periods within which such amount is to be recovered;

(g) in regard to each such work, the owner or owners liable to maintain and repair it, and the extent of the liability of each such owner;

(h) the rights, if any, of the owners or any of them as regards the use of any such work; and

(i) such other matters as may be prescribed.

(2) After a statement as aforesaid has been prepared, a notice shall be published in the prescribed manner intimating that such a statement has been prepared and that it may be inspected at such places as may be specified in the notice.

(3) A copy of the statement prepared under sub-section (1) shall also be served on every owner of the lands included in the scheme.

15. *Obligation of owners of lands to maintain and repair works.*—(1) Every person shown in the statement prepared under section 14 as liable to maintain and repair any work shall, to the satisfaction of the Corporation, maintain and repair that work in his own land and in any other land in respect of which he is shown as liable in the said statement.

(2) If any person liable to maintain or repair a work fails to do so, the Corporation shall issue a notice to him requiring him to maintain or repair it within a period to be specified in such notice and, on his failure to comply with such direction within the time fixed by the Corporation, the Corporation shall cause the work to be maintained or repaired, and the expenses incurred thereby shall be recovered from the owner and such other persons, if any, liable to contribute.

(3) Any dispute as to the amount to be recovered under sub-section (2) shall be decided by the Corporation and such decision shall, subject to the provisions of section 16, be final.

16. *Appeals.*—(1) Any owner or other person liable under section 10 to pay the cost or part of the cost of any work or to pay any amount by way of contribution who objects to such liability, or any owner who is aggrieved by any entry in the statement prepared under sub-section (1) of section 14, or any person aggrieved by any decision of the Corporation under sub-section (3) of section 15, may, within such time as may be prescribed, appeal to the Subordinate Judge.

(2) The order of the Subordinate Judge in an appeal under sub-section (1) shall be final.

(3) For the purposes of this section, "Subordinate Judge" means the Subordinate Judge having jurisdiction over the whole or the major portion of the area in which the lands covered by the scheme are situate.

(4) Where as a result of an order under sub-section (2), any modification to the statement prepared under sub-section (1) of section 14 becomes necessary, the Corporation shall revise the statement in accordance with such order.

(5) Where a statement is revised as aforesaid, notice shall be given of the fact of such revision in the prescribed manner.

17. *Rectification of mistakes.*—At any time within one year from the date of any order passed by it, the Corporation may, on its own motion, rectify any mistake apparent from the record, and shall, within a like period, rectify any such mistake which has been brought to the notice of the Corporation by any person affected by any order issued under this Act:

Provided that no such rectification shall be made which has the effect of enhancing the liability of any person unless that person has been given a reasonable opportunity of being heard in the matter.

18. *Amounts due to Corporation to be first charge.*—All amounts due to the Corporation from any owner of land under sub-section (1) of section 10 as the cost, or part of the cost, of any work carried out by the Corporation or towards expenses incurred by the Corporation for maintaining or repairing any work, or from any person as contribution under sub-section (2) of section 10,

together with interest thereon, shall subject to any charge for basic tax or other taxes, cesses or other amounts due to the Government or a local authority, be a first charge on the land benefited by such work and upon the movable property, if any, found within or upon the same and belonging to such person.

Explanation.—In this section, "basic tax" means the tax payable under the Kerala Land Tax Act, 1961 (13 of 1961).

19. *Recovery of money.*—Without prejudice to any other mode of recovery, any sum of money payable by any owner of land or other person to the Corporation under the provisions of this Act shall, on the issue of a certificate by the Corporation in that behalf, be recoverable from the defaulting person as arrears of public revenue due on land under the provisions of the Kerala Revenue Recovery Act, 1968 (15 of 1968).

20. *Service of notice.*—Any notice required to be served on or given to any person under this Act shall be deemed to be duly served or given—

(i) if the notice is addressed to that person and is given or tendered to him; or

(ii) where that person cannot be found, if it is affixed on some conspicuous part of his last known place of residence or business or is tendered to some adult member of his family or is affixed on some conspicuous part of the land to which it relates; or

(iii) if it is sent by registered post to that person at his last known place of residence or business.

21. *Scheme not to be invalidated.*—No scheme shall be deemed to be invalid merely by reason of the fact that the person on whom a notice was served in pursuance of any provision of this Act was not the owner of the land in respect of which the notice was served, provided such person was in possession of that land when the notice was served on him.

22. *Directions by Government.*—(1) The Government may give to the Corporation general instructions, not inconsistent with the Companies Act, 1956 (Central Act 1 of 1956) or the Memorandum or Articles of Association of the Corporation, to be followed by the Corporation.

(2) In the exercise of its powers and performance of its duties under this Act, the Corporation shall not depart from any general instructions issued under sub-section (1) except with the previous permission of the Government.

23. *Members and servants of Corporation to be public servants.*—All members of the Corporation and all officers and servants of the Corporation shall be deemed, while acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

24. *Protection of persons acting in good faith; limitation of suits and prosecutions.*—

(1) No suit, prosecution or other legal proceedings shall lie against the Government for any act done or purporting to be done under this Act or any rule made thereunder.

(2) No suit, prosecution or other legal proceedings shall be instituted against the Corporation or any public servant or any person duly authorised under this Act in respect of anything in good faith done or intended to be done under this Act or any rule made thereunder.

(3) No suit or prosecution shall be instituted against the Corporation or any public servant or any person duly authorised under this Act unless the suit or prosecution has been instituted within six months from the date of the act complained of.

25. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule

26. *Repeal and saving.*—(1) The Kerala Land Development Corporation Limited (Special Powers) Ordinance, 1973 (15 of 1973) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

STATEMENT OF OBJECTS AND REASONS

The Kerala Land Development Corporation Limited has been established as a State owned joint stock company with the object of providing, undertaking, financing and executing land development schemes in the State for the development of agriculture and allied activities. The Corporation has taken up for execution the Kuttanad Development Scheme which envisages construction of permanent bunds and provision of infrastructure works in the Kuttanad region. The entire finance required for bund construction is to be obtained from banking institutions as loan and the Corporation will utilise

the amounts on bund construction on behalf of the cultivators. It is considered necessary to enable the Corporation to enforce the said scheme and such other schemes as may be taken up by the Corporation and recover the cost of construction from the beneficiaries.

2. A Bill to achieve the above object was published during the last session of the Legislative Assembly. But the Bill could not be introduced and further proceeded with during the last session for want of time. As the provisions of the Bill had to be given effect to immediately and as the Legislative Assembly was not in session, the Kerala Land Development Corporation Limited (Special Powers) Ordinance, 1973 (15 of 1973), was promulgated by the Governor on the 20th November, 1973. The Bill seeks to replace the Ordinance by an Act of the Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 22 of the Bill empowers the Government to give to the Corporation general instructions, not inconsistent with the Companies Act, 1956 or the Memorandum or Articles of Association of the Corporation, to be followed by the Corporation. Sub-clause (1) of clause 25 of the Bill empowers the Government to make rules for the purpose of carrying into effect the provisions of the Act. The matters in respect of which rules may be made relate *inter alia* to the particulars which a draft scheme may contain (clause 4), the principles for adjustment of contribution against cost payable by owners (clause 10), the rate at which and the date with effect from which interest is payable (clause 11) and the time within which appeals may be preferred (clause 16).

2. The matters referred to above are matters of procedure and administrative detail. The delegation of legislative power is thus of a normal character.

VAKKOM PURUSHOTHAMAN.

2/466/MC.

/36623

Government of Kerala
1974

Reg. No. K. 107.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XIX] Trivandrum, Saturday, 9th February 1974 / 20th Magha 1895 [No. 161

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 1009/LA4/74. *Dated, Trivandrum, 9th February 1974.*

The Cochin University (Amendment) Bill, 1974 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1974.

33/469/MC.

THE COCHIN UNIVERSITY (AMENDMENT) BILL, 1974

A
BILL

to amend the Cochin University Act, 1971.

Preamble.—WHEREAS it is expedient to amend the Cochin University Act, 1971, for the purpose hereinafter appearing;

BE it enacted in the Twenty-fifth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Cochin University (Amendment) Act, 1974.

2. *Amendment of section 56.*—In section 56 of the Cochin University Act, 1971 (30 of 1971) (hereinafter referred to as the principal Act), the following proviso shall be inserted at the end, namely:—

"Provided that if, for any reason, the constitution of any of the authorities of the University in accordance with the provisions in Chapter IV of this Act cannot be done before the expiry of the period for which that authority is nominated under sub-section (2), the Chancellor may, by notification in the Gazette, extend the period of that authority for a further period not exceeding one year.".

3. *Repeal and saving.*—(1) The Cochin University (Amendment) Ordinance, 1973 (19 of 1973), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 6th day of December, 1973.

STATEMENT OF OBJECTS AND REASONS

Sub-section (2) of section 56 of the Cochin University Act, 1971 (30 of 1971), provides that the first set of all the authorities of the University shall be nominated by the Chancellor of the University for a period of two years from the date of nomination or till the constitution of those authorities in accordance with the provisions of the Act, whichever is earlier. The first Syndicate

of the University was accordingly nominated by the Chancellor on 22-12-1971. Therefore, the term of that authority was due to expire on 21-12-1973. Though the University had taken steps for the constitution of the various authorities in accordance with the provisions of the Act, it could not be finalised before the date on which the term of the Syndicate was due to expire, due to various reasons. Therefore, the only course open was to extend the term of the Syndicate for some more time. This was possible only by suitably amending section 56 of the Act. As the Legislative Assembly of the State was not in session this object was achieved by promulgating the Cochin University (Amendment) Ordinance, 1973 (19 of 1973), on the 6th December, 1973. By this Ordinance, a proviso has been added to section 56 of the Act empowering the Chancellor to extend the term of any of the authorities of the University nominated under sub-section (2) of that section for a period not exceeding six months. The Chancellor has, in exercise of the powers under the above proviso, extended the term of the Syndicate till the 16th February, 1974, i.e., the date on which the term of the Senate of the University expires.

2. The Bill seeks to replace the Ordinance by an Act of the Legislature. The Bill however seeks to empower the Chancellor to extend the term of the authorities for a period not exceeding one year instead of six months as provided in the Ordinance.

FINANCIAL MEMORANDUM

The Bill if enacted and brought into operation would not involve any additional expenditure from the Consolidated Fund of the State.

CHAKKEERI AHMED KUTTY.

Reg. No. K. 197.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 1010/LA4A/74. *Dated, Trivandrum, 9th February 1974.*

The Kerala University (Amendment) Bill, 1974 together with the Statement of Objects and Reasons, and the Financial Memorandum is published, under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1974.

33/471/MC

THE KERALA UNIVERSITY (AMENDMENT) BILL, 1974

A

BILL

further to amend the Kerala University Act, 1969.

Preamble.—WHEREAS it is expedient further to amend the Kerala University Act, 1969, for the purpose hereinafter appearing;

BE it enacted in the Twenty-fifth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Kerala University (Amendment) Act, 1974.

2. *Amendment of section 75A.*—In section 75A of the Kerala University Act, 1969 (9 of 1969) (hereinafter referred to as the principal Act), in sub-section (2), for the words "four years", the words "four years and six months" shall be substituted.

3. *Repeal and saving.*—(1) The Kerala University (Amendment) Ordinance, 1973 (12 of 1973), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 19th day of November, 1973.

STATEMENT OF OBJECTS AND REASONS

According to section 75A of the Kerala University Act, 1969 (9 of 1969), the term of the first set of all the authorities of the University nominated by the Chancellor of the University was for a period of four years from the date of nomination or till the constitution of these authorities in accordance with the provisions of the Act whichever is earlier. The first Syndicate of the University was nominated by the Chancellor on the 21st November, 1969 and the other authorities were nominated on the 8th December, 1969. Therefore, the term of the Syndicate was due to expire on the 20th November 1973 and the terms of the other authorities were to expire on the 7th December, 1973. As a Bill to revise the Kerala University Act, 1969, had been introduced in the Legislative Assembly, and it is pending before the Select

Committee, steps for constituting the above authorities under the Kerala University Act were not taken. Therefore, it became necessary to extend the terms of these authorities for some more time, by amending section 75A of the Act. As the Legislative Assembly of the State was not in session, the Kerala University (Amendment) Ordinance, 1973 (12 of 1973), was promulgated on the 19th day of November, 1973, extending the terms of these authorities for six months more.

2. The Bill seeks to replace the Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill if enacted and brought into operation would not involve any additional expenditure from the Consolidated Fund of the State.

CHAKKEERI AHMED KUTTY.

Reg. No. K. 107.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 1011/LA4/74. *Dated, Trivandrum, 9th February 1974.*

The Calicut University (Amendment) Bill, 1974 together with the Statement of Objects and Reasons, and the Financial Memorandum is published, under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1974.

38/473/MC.

Fourth Kerala Legislative Assembly

Bill No. 178

THE CALICUT UNIVERSITY (AMENDMENT) BILL, 1974

A

BILL

further to amend the Calicut University Act, 1968.

Preamble.—WHEREAS it is expedient further to amend the Calicut University Act, 1968, for the purpose hereinafter appearing;

BE it enacted in the Twenty-fifth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Calicut University (Amendment) Act, 1974.

2. *Amendment of section 50.*—In section 50 of the Calicut University Act, 1968 (24 of 1968), (hereinafter referred to as the principal Act), for the words "five years and three months", the words "five years and nine months" shall be substituted.

3. *Repeal and saving.*—(1) The Calicut University (Third Amendment) Ordinance, 1973 (18 of 1973), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 6th day of December, 1973.

STATEMENT OF OBJECTS AND REASONS

According to section 50 of the Calicut University Act, 1968 (24 of 1968), the first set of all the authorities of the University shall be nominated by the Chancellor of the University for a period of five years and three months. The first set of the authorities was accordingly nominated by the Chancellor on the 11th September, 1968. Therefore, the terms of these authorities were due to expire on the 10th December, 1973. As a Bill for revising the Calicut University Act, 1968, had been introduced in the Legislative Assembly and it is now pending before a Select Committee,

steps for reconstituting the various authorities of the Calicut University as provided in the Act were not taken. Therefore, it became necessary to extend the terms of these authorities for some more time by amending section 50 of the Calicut University Act, 1968. As the Legislative Assembly of the State was not in session, the Calicut University (Third Amendment) Ordinance, 1973 (18 of 1973), was promulgated on the 6th December, 1973, extending the terms of these authorities for six months more.

2. The Bill seeks to replace the Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation would not involve any additional expenditure from the Consolidated Fund of the State.

CHAKKEERI AHMED KUTTY